



## REMARKS

Careful consideration has been given to the Official Action of September 21, 2005 and reconsideration of the application as amended is respectfully requested.

The objection to claim 1 as being indefinite has been overcome by appropriate amendatory action. In addition to the objection noted by the Examiner, amendments have been made to correct other grammatical informalities. It is respectfully submitted that the claims as now presented are free from formal objection.

In order to overcome the rejection of the claims on the grounds of double patenting, applicant submits herewith a terminal disclaimer with respect to U.S. Patent 6,869,002.

The Examiner has rejected claim 1 under 35 U.S.C. 103 as being unpatentable over Messner in view of Gentile.

Claims 3-9 have been indicated as being directed to allowable subject matter.

The rejection of claim 1 on cited art is traversed and it is respectfully submitted that claim 1 is allowable over the cited art, whether taken singly or in combination as it fails to show an apparatus for an intermittent feeding of a strip shaped blank to a press at which the longitudinal center axis of a control rod pivotally mounted to a rocker and of a spiral spring which rests on said rocker are arranged relative to each other in such positions that they define a geometrical plane which coincides with a plane of symmetry of a feeding roller that is supported in said rocker which is extending perpendicular to a longitudinal center axis of said feeding roller, as stipulated by the characterizing clause of claim 1.

This particularly applies to the feeding apparatus disclosed in US 5,163,595 (Messner), which has a different rocker configuration than that defined in claim 1. As seen in Figures 1 and 2 of Messner, the elements designated by the Examiner in the drawing on page 5 of the Office Action as "Control Rod" and as "Spiral Spring" are present in duplicate and are arranged, seen in the direction of the material flow of the apparatus, in each case laterally

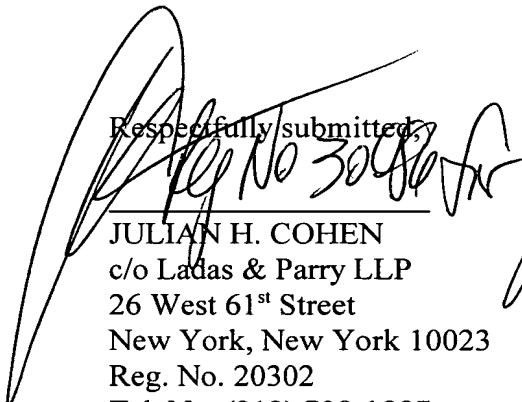


at the rocker. Thus, a geometrical plane defined by the center axis of any of the "Control Rods" and of any of the "Spiral Springs" cannot in any case coincide with a plane of symmetry of the feeding roller which extends perpendicular to the longitudinal center axis of it.

Since US 5,868,296 also does not disclose an apparatus with this construction, combining the teachings of both references will, in the best case, lead to the apparatus of Messner having a servo motor, but not to an apparatus according to claim 1.

On the basis of the above action and comments it is respectfully submitted that claims 1 and 3-9 are in allowable condition. It is also submitted that dependent claims 2 and 10-12 are also in allowable condition as being dependent directly or indirectly from claim 1 (see 37 CFR 1.141).

Respectfully submitted,

  
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